

64044

McDERMOTT, WILL & EMERY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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BOSTON, MASSACHUSETTS 02109
617/345-5000

2029 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
213/277-4110

201 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131
305/358-3500

227 WEST MONROE STREET
CHICAGO, ILLINOIS 60606-5096

312/372-2000

CLIENT/ATTORNEY RECEPTION - 44TH FLOOR
MAIL/MESSENGER RECEPTION - 31ST FLOOR

FACSIMILE 312/984-2099

TELEX 253565, 210079

CABLE MILAM

1301 DOVE STREET
NEWPORT BEACH, CALIFORNIA 92660
714/851-0633

1211 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036
212/768-5400

1850 K STREET, N.W.
WASHINGTON, D.C. 20006
202/887-8000

SHELL J. BLEIWEISS

312/984-3664

November 1, 1990

Ms. Debbie Fript
U.S. EPA - Region V
Emergency Support
Section 5HS-12
230 S. Dearborn St.
Chicago, IL 60604

sent copies to
Vernita, ~~Sam~~ and
and Bob Lance

11-21-90

Re: Himco Landfill

Dear Ms. Fript:

This letter is in response to a letter dated September 4, 1990 from Robert J. Bowden, Chief, Emergency and Enforcement Response Branch to Skyline Corporation concerning the referenced site. It also represents further response to EPA's earlier letters concerning this site. We represent Skyline Corporation in this matter.

Skyline cannot appropriately be classified as a potentially responsible party (PRP) at this site. Skyline's only involvement with the Himco Landfill was through the trash hauling activities of Himco Waste Away Services, Inc., which serviced Skyline's hangar at the Elkhart Municipal Airport. Skyline had no other dealings with the Himco Landfill or with Himco Waste Away. At the airport, Himco Waste Away only carted general office refuse (less than 1 yard per week) from Skyline's hangar. This trash contained no hazardous substances. Himco Waste Away did not pick up Skyline's waste generated from airplane maintenance. All such airplane waste was handled separately.

Skyline's pilot of many years, who was stationed at the hangar facility during all the years of Skyline's alleged

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involvement with the Himco site, can testify that no hazardous substances were sent to the Himco Landfill from Skyline. A copy of his affidavit is attached.

We request that Skyline Corporation be dropped from your list of PRP's at this site. If a meeting to discuss this matter would help to expedite such action, we would be willing to meet with you at the Region V EPA offices in Chicago in the near future.

Please direct future correspondence concerning this site to me at the Chicago address above.

Very truly yours,



Shell J. Bleiweiss

/krh/9956g

Enclosure

cc: Linda Phillipsen
Kenneth A. Grady, Esq.
Thomas Nash, Esq. (w/enc.)
U.S. EPA
Office of Regional Counsel

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

AFFIDAVIT OF WALTER A. YOUNG

I, Walter A. Young, having first been duly sworn upon oath, do hereby state as follows:

1. I have personal knowledge of the facts set forth in this affidavit and would be competent to testify thereto.

2. I reside at 26893 Heather Lane, Elkhart, Indiana.

3. I have worked fulltime for Skyline, Inc. as a pilot for its corporate plane since November 15, 1972.

4. The plane has always been housed at the Elkhart Municipal Airport.

5. From 1972 to 1974 we shared a hangar, known as the Riblet Hangar, that no longer exists.

6. From October 11, 1974 to July 24, 1980 we used the hangar next door to our present hangar. That was Hangar Number 23.

7. In 1980 we built and occupied our present hangar, known as Hangar Number 25.

8. Skyline's only activities at this location involve storage and minor maintenance of the company plane. A small office area is attached to the hangar in which I and sometimes other Skyline pilots keep our records.

9. At each of these hangars, we shared a two-yard dumpster with one other company. Those dumpsters were and still are to this day serviced by Himco Waste Away Service, Inc.

10. The dumpsters serviced by Himco received only routine office trash such as newspapers, junk mail, coffee grounds, snack foods, plastic coffee cups, soft drink cans and bottles, coffee stirrers, leaves and grass clippings and floor sweepings.

11. The only waste generated from maintenance of the aircraft is a small quantity of used oil. Prior to 1980, this oil was placed into an underground storage tank maintained by the company that runs the airport. It was eventually recycled. Since 1980, we collect it ourselves in a 55-gallon drum and dispose of drums when full through a licensed waste hauler. Since 1980 we have filled and disposed of only one 55-gallon drum.

12. The plane is washed between flights with soapy water. The washwater simply drains onto the ramp and evaporates. Cotton wipes and water are used to wipe off the windows.

13. Filters in the airplane are washed and reused. Brake parts are reworked offsite. Generators are occasionally shipped offsite for rebuilding. No other mechanical, fuel or lubricant wastes are produced.

14. Two igniters (the equivalent of automobile spark plugs) are disposed of in the dumpster about every six months.

14. No other types of waste have been disposed through Himco from this facility.

Dated: October 26, 1990

WALTER A. YOUNG

Walter A. Young

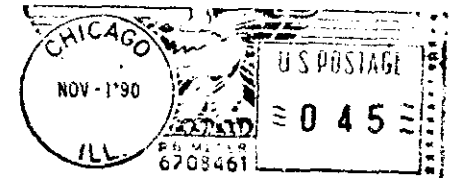
SIGNED AND SWORN to
before me this 26th day
of October, 1990.

Linda R. Philipson
NOTARY PUBLIC

My commission expires 3-2-94
9458g

McDERMOTT, WILL & EMERY

227 WEST MONROE STREET
CHICAGO, ILLINOIS 60606-5096



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